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Attorneys for Defendants
 ETHICON, INC. (on its own behalf and behalf of its
 Division, ETHICON WOMEN'S HEALTH &
 UROLOGY, and erroneously sued as GYNECARE,
 INC.); and JOHNSON & JOHNSON

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

LYNNETTE BLACKMAN, an individual,
 PAMELA AGUILAR, an individual,
 BETTY GIPE, an individual, EDITH
 ROBERTSON, an individual, LAURA
 VUJOVICH, an individual, ANNETTE
 CONSALVOS, an individual, and JOYCE
 FLYNN, an individual,

Plaintiffs,

v.

GYNECARE, INC. a California
 Corporation; ETHICON, INC. a New
 Jersey corporation, JOHNSON &
 JOHNSON, a New Jersey corporation,
 DOE MANUFACTURERS one through
 one hundred,

Defendants.

Case No. 4:10-CV-04741-PJH

**[PROPOSED] ORDER GRANTING
 DEFENDANTS' MOTION TO SEVER
 UNDER RULE 21 AND TRANSFER
 UNDER 28 U.S.C. § 1406(a) OR, IN THE
 ALTERNATIVE, 28 U.S.C. § 1404(a)**

Date: April 6, 2011
 Time: 9:00 a.m.
 Courtroom: 3
 Judge: Hon. Phyllis J. Hamilton

Complaint Filed: October 20, 2010
Trial Date: Not set

On April 6, 2011, Defendants Ethicon, Inc. (on its own behalf and behalf of its division, Ethicon Women's Health & Urology erroneously sued as Gynecare, Inc.) and Johnson & Johnson's (collectively "Defendants") Motion To Sever Under Rule 21 and Transfer Under 28 U.S.C. § 1406(a) Or, In The Alternative, 28 U.S.C. § 1404(a) came for hearing before this Court. All parties were given notice and an opportunity to be heard, and each party was represented at the hearing by its counsel of record. Having reviewed all of the papers and evidence filed in support of and in opposition to Defendants' Motion and for good cause shown:

IT IS HEREBY ORDERED THAT Defendants' Motion is **GRANTED**.

Rule 20(a) permits joinder only where plaintiffs assert claims "arising out of the same transaction, occurrence, or series of transactions or occurrences; and any question of law or fact common to all those persons will arise in the action." Fed. R. Civ. P. 20(a). Plaintiffs Lynette Blackman, Pamela Aguilar, Betty Gipe, Edith Robertson, Laura Vujovich, Annette Consalvos, and Joyce Flynn have been impermissibly joined and are therefore severed pursuant to Federal Rule of Civil Procedure, Rule 21.

Further, 28 U.S.C. § 1406(a) provides that a district court must dismiss or, if in the interests of justice, transfer a case laying venue in the wrong district. 28 U.S.C. § 1404(a) provides that "[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought."

Transfer of these severed plaintiffs is appropriate because: (1) venue is not proper in the Northern District of California and the plaintiffs could not have brought this action here; (2) venue is proper in each plaintiff's home district; (3) the plaintiffs reside in the districts listed below; (4) critical witnesses and documents are located in each plaintiff's home district; and (5) each plaintiff's home district is more likely to be familiar with the applicable substantive law of this action.

Plaintiff Lynette Blackman is **HEREBY SEVERED** and the resulting action is **HEREBY TRANSFERRED** to the United States District Court for the Northern District of Indiana .

Plaintiff Pamela Aguilar is **HEREBY SEVERED** and the resulting action is **HEREBY**

1 **TRANSFERRED** to the United States District Court for the District of New Mexico.

2 Plaintiff Betty Gipe is **HEREBY SEVERED** and the resulting action is **HEREBY**
3 **TRANSFERRED** to the United States District Court for the Northern District of Indiana.

4 Plaintiff Edith Robertson is **HEREBY SEVERED** and the resulting action is **HEREBY**
5 **TRANSFERRED** to the United States District Court for the Western District of Missouri.

6 Plaintiff Laura Vujovich is **HEREBY SEVERED** and the resulting action is **HEREBY**
7 **TRANSFERRED** to the United States District Court for the Western District of Washington.

8 Plaintiff Annette Consalvos is **HEREBY SEVERED** and the resulting action is
9 **HEREBY TRANSFERRED** to the United States District Court for the District of Colorado.

10 Plaintiff Joyce Flynn is **HEREBY SEVERED** and the resulting action is **HEREBY**
11 **TRANSFERRED** to the United States District Court for the District of Maryland.

12 **IT IS SO ORDERED.** THE APRIL 6, 2011 HEARING DATE IS VACATED.

13
14 Dated: 4/4/11

BY THE COURT

15
16
17 Honorable Phyllis J. Hamilton
United States District Judge

